

REMARKS

Claims 1-32 are pending. Claims 18-32 were previously withdrawn from consideration. Claims 1-17 stand rejected.

REJECTION UNDER 35 U.S.C. §102(a)

Claims 1-17 stand rejected under 35 U.S.C. §102(a) as being anticipated by Zettl et al. (2000), "Sharpened Nanotubes, Nanobearings, and Nanosprings," *Electronic Properties of Novel Materials – Molecular Nanostructures*, No. 544, pp. 526-532, 14th International Winterschoool/Euroconference, Kirchbert, Austria.

35 U.S.C. §102(a) requires that the invention was known or used by others ... before the invention thereof by applicant. Since the authors on the publication are different from the named inventors, the Examiner is apparently viewing the reference as being "by others."

The cited reference was published in March 2000. The instant application, filed on July 24, 2001, claims priority to U.S. Provisional Patent Application Serial No. 60/220,550, filed July 25, 2000. Therefore, the cited reference published less than one year from the July 2000 priority date of the instant application, and thus is not a statutory bar.

The cited reference is authored by two co-inventors of the subject application and describes Applicants' own invention. The accompanying declaration, submitted pursuant to MPEP §715.01(c), addresses this rejection.

Reconsideration and withdrawal of the rejection is respectfully requested.

OTHER REFERENCES NOTED

U.S. Patent No. 6,452,171 to Moloni, the Nakayama et al article, the *Nature* Zettl et al article, and the Moloni et al article are cited to further show the state of the art.

Applicants have reviewed these references and agree with the Examiner's implicit finding that the references do not disclose or suggest, either individually or in combination, the presently claimed invention. In addition, Applicants wish to note that the Nakayama et al article was published in 2003, which is two years after the filing date of the instant application.

SUMMARY

The above arguments and Declaration are submitted for the purpose of facilitating allowance of the Claims and a sincere effort has been made to place this application in condition for allowance. An early notice of allowance is earnestly requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 330-0900.

Respectfully submitted,

By: Shelley P. Eberle
Shelley P. Eberle
Registration No. 31,411

REED & EBERLE LLP
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile

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